

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
APRIL 19, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, April 19, 1967, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON (8:05 p.m.),  
HUNNELL, WALTON and KIRSTEN  
(Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Administrative Assistant Peterson, City Attorney Mullen (8:35 p.m.) and Planning Director Schroeder.

MINUTES On motion of Councilman Brown, Walton second, the Minutes of April 5, 1967, were approved as written and mailed.

PUBLIC HEARINGS

APPEAL - Notice thereof having been published in accordance  
L. J. NORRIS with law, Mayor Kirsten called for public hearing on the appeal of Mr. L. J. Norris from the decision of the City Planning Commission in denying his request for a use permit to install a flashing arrow sign at 322 North California Street in a C-2 zone. (Councilman Culbertson arrived.) Mr. L. J. Norris, speaking in behalf of his appeal, said when he purchased the sign, he was ignorant of City requirements and had not known the sign was in violation until he was so informed by the Chief Building Inspector. He asked why it was considered a traffic hazard and was given an explanation by the Mayor. Mr. Norris then asked how he could use his sign and was advised to get in touch with the Planning Director to see if the sign could be made to comply with City regulations. No one else in the audience wished to be heard concerning this matter and there were no written communications thereon so the public portion of the hearing was closed. Councilman Brown moved that the appeal of Mr. L. J. Norris be denied. The motion was seconded by Councilman Walton and carried by unanimous vote.

CIVIC CENTER Mr. Marv Putnam, Lodi Tent and Awning Company, sub-  
FOUNTAIN sidiary Putnam's Rainbow Fountains, 111-1/2 W. Pine  
SUGGESTED Street, Lodi, addressed the Council concerning the possibility of having fountains installed on City property, stating that the City had two ideal locations: Lodi Lake Park and the Civic Center. He said now was an opportune time to have a fountain installed at the Civic Center before the completion of the mall. He requested that consideration be given to this suggestion. Councilman Walton moved that the matter of a fountain in the Civic Center be referred to the City's landscape architect for consideration and that the architect contact Mr. Putnam for possible designs. The motion was seconded by Councilman Brown and carried by unanimous vote.

PLANNING COMMISSION

BARBER AND The Planning Commission has recommended that Chapter 27  
BEAUTY SHOPS (Zoning Ordinance) of the City Code be amended so as  
IN R-3 AND R-4 to eliminate future beauty and barber shops from the  
ZONES R-4 Multiple-Family Institutional Residence District

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and beauty shops from the R-3 Limited Multiple-Family Residence District, and that all existing beauty shops and barber shops within these districts become nonconforming uses. On motion of Councilman Culbertson, Walton second, the matter was set for public hearing on May 3, 1967.

PC ACTION

The Planning Commission approved the request of Mr. Frank Grenko for a variance to reduce the required distance between buildings in a dwelling group from ten to two and one-half feet to permit construction of a four-unit apartment at 321 South Fairmont Avenue in an R-4 zone. The approval was conditioned on the owner removing the existing residential structure within five years so that the development would again conform to zoning requirements.

COMMUNICATIONS

CHAMBER RE  
DIRECTIONAL  
SIGNS

A communication was read from the Lodi District Chamber of Commerce requesting that a small replica of the city emblem be included on the new directional signs which are now being prepared by the Public Works Department. The Chamber's Civic Affairs Committee has been cooperating with Public Works Director Jones on this project. Councilman Walton moved that those working on this program be contacted with the request that ideas and sketches of the proposed signs be presented to the Council for consideration. The motion was seconded by Councilman Culbertson and carried.

CHAMBER RE  
RAILROAD  
GATE CROSSINGS

The Chamber of Commerce has passed a resolution asking the Council to oppose the Public Utilities Commission's proposal for the creation of flashing lights and gate crossings at five local crossings of the Southern Pacific Railroad. (City Attorney Mullen arrived.) Councilman Walton moved that the City Council go on record opposing the flashing lights and gate crossings within the City as proposed by the State Public Utilities Commission. The motion was seconded by Councilman Hunnell and carried.

CVD, LCC

Notice was read of the Central Valley Division, League of California Cities, meeting in Manteca on April 27, 1967.

MEETING RE  
PLANNING  
ALLIANCE

A memorandum was read from Loren Powell, Chairman of the Board of Supervisors' Urban Problems and Environmental Services Committee, informing the Council that the meeting date to consider proposed by-laws and agreement for an Intergovernmental Planning Alliance had been changed from April 27 to Thursday, May 4, 1967, at 7:30 p.m.

W.M. DORN RE  
PRE-EMPTION  
LEGISLATION

A letter was read from Warren M. Dorn, First Vice President, County Supervisors Association of California, concerning the Dissenting Report made by members of the Governor's Commission on Pre-emption who were unable to support the legislative recommendations of the Commission. A copy of the Dissenting Report was enclosed. Councilman Culbertson stated that legislation on pre-emption would be discussed at the League's Board of Directors meeting of April 20.

FRESNO RE  
AB 3

A resolution was received from the City of Fresno opposing legislation which would change the present apportionment of gas tax funds. No action taken.

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ABC LICENSE Notice was read of Application for Alcoholic Beverage License, Person to Person Transfer to Gerda M. and Lowell A. Benning, Tiny's, 104 East Lodi Avenue, On Sale General Public Premises.

DEED FROM NORTH LAS VEGAS A deed was received from the City of North Las Vegas covering the ground on which a crepe myrtle from the City of Lodi was planted during the 1966 conference of the National League of Cities.

LIONS CLUB RE STADIUM HEAD TAX A request was received from the Lodi Lions Club asking for permission to use the stadium on the evening of June 14, 1967 in order to sponsor a performance of Indian dances by a group of Explorer Scouts from Colorado. Funds realized from this event will be used for charitable activities and the Club is therefore requesting that the City waive the usual head charge. It was pointed out that the head tax is paid for other charitable events held in the stadium and that the stadium is operated at a loss. On motion of Councilman Culbertson, Walton second, the City Council denied the request of the Lodi Lions Club to waive the stadium head tax.

## REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$242,948.04 were approved on motion of Councilman Walton, Hunnell second.

AWARD - BLAKELY PARK SIDEWALKS & BASKETBALL COURT			Alt. A	Alt. B
		Tompkins and Gallaven	\$8,271.60	\$7,015.60
RES. NO. 3042		William Burkhardt	8,348.40	8,689.20

Mr. Graves explained that Alternate A called for concrete walkways and Alternate B, asphalt walkways. Because concrete walkway would have a longer life and require less maintenance than asphalt, Mr. Graves recommended that award be made to the low bidder on Alternate A. On motion of Councilman Culbertson, Hunnell second, the City Council adopted Resolution No. 3042 awarding the contract for the above named project to the low bidder, Tompkins and Gallaven, for Alternate A at a total cost of \$8,271.60.

SPECS - PINE ST. STORM DRAIN EAST OF CHEROKEE The City Manager presented plans and specifications for a storm drain in Pine Street from Houston Lane to approximately 300 feet east of Cherokee Lane. On motion of Councilman Brown, Walton second, the City Council approved the plans and specifications for said storm drain and authorized calling for bids thereon.

STATE TEST HOLES AT WHITE SLOUGH DISPOSAL AREA Mr. Graves explained that the State Department of Water Resources was requesting another permit to install test holes and monitoring equipment on City property which was acquired from the Red House Ranching Company last year. In submitting the original request, the State had not been aware that the City owned this property and was therefor making this second request. On motion of Councilman Walton, Brown second, the City Council approved granting an exploration permit as requested and authorized its execution on behalf of the City by the Mayor.

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R/W AT SW  
CORNER OF  
HAM & LODI

Mr. Graves reported that Mr. Reuben Rott, attorney for the owner of the property at the southwest corner of Lodi Avenue and Ham Lane, had been contacted in regard to the right of way for the widening of Lodi Avenue. Mr. Rott had indicated that he would prefer to dedicate the right of way in exchange for curb, gutter, and sidewalk. Since there is a question as to when this property will be developed, the City has suggested to Mr. Rott that the right of way be deeded in exchange for curb, gutter and paving rather than curb, gutter and sidewalk. Having the City install the paving in lieu of the sidewalk would be an advantage to the developer because of driveways, etc. which will eventually be required. Mr. Rott approved of this suggestion and offered to dedicate the Ham Lane right of way under the same conditions. Mr. Graves felt this was a good offer, especially since the City will be needing an easement along Ham Lane for a storm drain line, and if the right of way is dedicated the City would be free to install the line. On motion of Councilman Hunnell, Culbertson second, the City Council accepted the offer of Mr. Rott to exchange right of way along Lodi Avenue and Ham Lane for curb, gutter and paving. Mayor Kirsten requested that a letter of appreciation be sent to Mr. Rott for his cooperation in this matter.

PRIORITY OF  
PW PROJECTS

Mr. Graves gave a list of the projects scheduled for this year by the Public Works Director and stated that if the Lodi Avenue widening is to be completed, some of these projects would have to be curtailed. After discussion, Council members were in general agreement that Lodi Avenue should have a high priority, particularly at the Ham Lane intersection. The City Manager was requested to provide the Council with a list of the projects with his recommendations.

W. LODI AVE.  
R/W DEED

City Attorney Mullen presented a deed from Mr. and Mrs. William E. Gregory for right of way on West Lodi Avenue at a cost of \$1,560. If agreeable to the Council, the City will pay the Gregory's \$1,000 and retain \$560 to cover the cost of installing curb, gutter and sidewalk. On motion of Councilman Brown, Hunnell second, the deed was accepted in accordance with the conditions outlined.

TOILET  
FACILITIES  
FOR LITTLE  
LEAGUERS

Mr. Graves stated that the School District had been contacted about getting keys to the school restrooms so that they would be open while little leaguers are using the grounds and something is being worked out so that the restrooms will be available. Portable toilets can be rented for \$25 per month and Mr. Graves said they would be used at Van Buskirk and Emerson Parks.

RECESS.

Mayor Kirsten declared a five-minute recess at 9:25 p.m.

INTERGOVT  
PLANNING  
ALLIANCE

Members of the Council reviewed the agreement and by-laws for the proposed Intergovernmental Planning Alliance for San Joaquin County. Certain words were changed in order to spell out more clearly the purpose of the proposed alliance to coordinate and consolidate the general plans of the member agencies into a comprehensive over-all plan. It was generally agreed that any agency wishing to withdraw from the alliance should have a 90-day withdrawal period. After discussion of the budget for the alliance, it was agreed that costs should be shared equally by all

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members. Councilman Culbertson, who is the City's representative on the committee making a study of the proposed alliance, said he would present the Council's recommendations to the committee, and that after a more complete draft had been worked out, the City should have a public hearing thereon.

CONDEMNATIONS  
RE OUTFALL  
LINE #2

RES. NO. 3043  
AND NO. 3044

Mr. Graves reported that approval had been received from the Federal Water Pollution Control Administration for awarding the contract on the Sanitary Sewer Outfall Pipeline No. 2, so the City could go ahead and make the award. City Attorney Mullen stated that the City is still endeavoring to reach agreement with several property owners in regard to damages during construction. He was hopeful that the differences could be resolved, but recommended that the Council adopt resolutions authorizing him to proceed with condemnations if necessary. Councilman Culbertson moved the adoption of Resolution No. 3043 authorizing the City Attorney to start condemnation proceedings on the Albert Warmerdam and John Van Ruiten property. The motion was seconded by Councilman Walton and carried unanimously. Councilman Walton moved the adoption of Resolution No. 3044 authorizing the City Attorney to start condemnation proceedings on the Stanley Beckman property. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

AWARD -  
OUTFALL LINE #2

RES. NO. 3045

Councilman Brown moved the adoption of Resolution No. 3045 awarding the contract for the Sanitary Sewer Outfall Pipeline No. 2 to the low bidder, Wittman Contracting Company, for a total of \$646,160.75. (For tabulation of bids see Minutes of April 5, 1967.) The motion was seconded by Councilman Walton and carried by unanimous vote.

ELMER WEIMER  
COMMENDED

Elmer Weimer, Projects Officer, was highly commended for the excellent job he had done in contacting property owners and obtaining agreement re damages and use of additional property during construction of the Sanitary Sewer Outfall Line #2.

ORDINANCES

ANNEXING  
N. GENERAL  
MILLS ADD.

ORD. NO. 836  
ADOPTED

ORDINANCE NO. 836, entitled "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY, DESIGNATED 'NORTH GENERAL MILLS ADDITION,' TO THE CITY OF LODI," having been introduced at the regular meeting of April 5, 1967, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

ANNEXING  
SUPER MOLD  
ADDITION

ORD. NO. 837  
ADOPTED

ORDINANCE NO. 837, entitled "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY, DESIGNATED 'SUPER MOLD ADDITION,' TO THE CITY OF LODI," having been introduced at the regular meeting of April 5, 1967, was brought up for passage on motion of Councilman Walton, Brown second. Second reading was omitted after

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reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

REZONING NE  
COR. HAM &  
SYLVIA TO R-3

ORD. NO. 838  
ADOPTED

ORDINANCE NO. 838, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING PROPERTY AT THE NORTHEAST CORNER OF SYLVIA DRIVE AND HAM LANE TO BE IN THE R-3 LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT," having been introduced at the regular meeting of April 5, 1967, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

\$4,000 MINIMUM  
FOR FORMAL BIDS

ORD. NO. 839  
ADOPTED

ORDINANCE NO. 839, entitled "AN ORDINANCE AMENDING SECTIONS 2-64 AND 2-65 OF THE CODE OF THE CITY OF LODI AND THEREBY INCREASING THE MINIMUM AMOUNT REQUIRED FOR FORMAL BIDS TO \$4,000," having been introduced at the regular meeting of April 5, 1967, was brought up for passage on motion of Councilman Hunnell, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - BROWN, CULBERTSON, HUNNELL,  
WALTON and KIRSTEN

Noes: Councilmen - None

Absent: Councilmen - None

CULBERTSON  
REAPPOINTED  
TO L.A.F.C.

Mayor Kirsten reported that Councilman Culbertson had been reappointed to the Local Agency Formation Commission by the Selection Committee.

PUBLIC  
RELATIONS

The Council requested that the City Manager present a report at the next Council meeting on public relations suggestions made by the Council.

COMPLAINT

Mrs. Beverly Lawton, 523 South Olive, Stockton, informed the Council that she was appalled that during the Council's discussion of the proposed agreement and by-laws for an Intergovernmental Planning Alliance, a local resident had not been allowed to speak on the subject. Mayor Kirsten explained to Mrs. Lawton that the subject had not been set for public hearing and that when the final draft was ready, a public hearing would be held at which time all interested parties would be heard.

ADJOURNMENT

At 10:45 p.m. the Council adjourned to executive session.

Attest: BEATRICE GARIBALDI  
City Clerk